ONTARIO ENVIRONMENTAL ASSESSMENT ADVISORY COMMITTEE

REPORT NO. 38 TO THE MINISTER

THE ADEQUACY OF THE EXISTING ENVIRONMENTAL PLANNING AND APPROVALS PROCESS FOR THE GANARASKA WATERSHED

November 15, 1989

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January 22, 1992

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Dear Dr. Byer:

I am writing in response to your Committee's Report No. 38, "The Adequacy of the Existing Environmental Planning and Approvals Process for the Ganaraska Watershed".

On July 6, 1989, Jim Bradley, Minister of the Environment in the previous government, had asked your Committee to provide advice on the above matter. On November 15, 1989, he received a copy of your Report No. 38 and the 14 recommendations your Committee made to improve the existing planning and approvals process.

Staff of the Environmental Assessment Branch, with assistance from your Committee, distributed Report No. 38 to the public. The Branch then coordinated and analyzed the comments received. The comments, along with the recommendations contained in the Report, have generated much discussion on the most effective way to improve the planning and development process in Ontario. These discussions have taken place within my office, within several ministries and among my Cabinet colleagues.

The issues are complex because of the many government agencies involved with them, particularly

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the Ministry of the Environment, the Ministry of Natural Resources and the Ministry of Municipal Affairs. While these discussions have been taking place over the past several months, two major announcements have been made by the government which directly affect my response to your Committee's Report No. 38.

First, on June 12, 1991, my colleague, David Cooke, Minister of Municipal Affairs, announced the establishment of a commission of inquiry under the Public Inquiries Act. The *Commission on Planning and Development Reform in Ontario* will examine all aspects of the system under which land use is planned and regulated in the province. The Commission, chaired by John Sewell, will inquire into widely ranging planning issues. It will undertake a comprehensive review of how land use planning has been carried out in the past as well as make recommendations on how it should be carried out in the future. The Commission will be advising on how environmental concerns can be better integrated into the planning process, and should therefore have direct relevance to planning in the Ganaraska Watershed.

Given the comprehensive nature of the issues being addressed by the Commission, I feel that for me to address individually the 14 recommendations made in your Committee's Report No. 38 at this time would serve to undermine the review being carried out by Mr. Sewell's Commission. Our ministry will be participating in this review, and staff at the Ministry of the Environment have already sent a copy of your Report to the Commission.

Although the Commission will not be reporting back to the government for some time, I do want to make a commitment on one aspect of your report at this time. Your first recommendation pertained to the need for studies on groundwater resources, surface water resources and wildlife populations which you indicated our Ministry should urge the Region of Durham to carry out as part of its current Official Plan review. I will urge the Minister of Municipal Affairs to require the preparation and use of environmental inventories in the land use planning process across the province. I will also urge that

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the preparation and use of environmental inventories be required at the Official Plan stage. They would be supported as a matter of Ministry of the Environment policy, not only for the Region of Durham in the protection of the Ganaraska Watershed, but for municipalities in general.

The second major provincial announcement was made on June 24, 1991, when my colleague, Bud Wildman, Minister of Natural Resources, released the *Implementation Guidelines, Provincial Interest on the Oak Ridges Moraine Area of the Greater Toronto Area*. These Guidelines are significant because their aim is to afford immediate protection to the Moraine within the GTA from deleterious and inappropriate development.

The Oak Ridges Moraine Implementation Guidelines, which were drafted by the Ministries of Municipal Affairs, Natural Resources and Environment, will serve to protect the Moraine in the short term while a long-term strategy is developed over the next two years. Our ministry, as a commenting agency on development proposals, will be applying the Guidelines on proposed developments located on the Moraine within the Greater Toronto Area. Furthermore, staff from the Ministry of the Environment have been, and will continue to be, in contact with municipalities located on the Moraine outside the GTA in an effort to have the Guidelines apply across the extent of the Moraine. Moreover, Ministry of the Environment staff will be required to consider the potential cumulative impacts associated with development applications. Clear guidelines to assist reviewers will be developed as well as a Ministry policy regarding cumulative impact assessment. If, during the two-year study period, there appear to be deficiencies in the Guidelines in terms of protection of the Moraine, then there is the possibility of amending them to deal with the deficiencies.

The application of the Implementation Guidelines for the Oak Ridges Moraine will address many of the concerns related to the proposed land use changes in the Ganaraska Watershed in the short term. With regard to the long term, I anticipate that the recommendations that will be forthcoming from both the

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two-year Oak Ridges Moraine study and the Sewell Commission will give this province a land use planning and approvals process that gives thorough consideration to environmental effects and cumulative impacts of proposed land use changes.

I wish to thank you and your Committee for your detailed and thoughtful review of this issue.

Yours sincerely,

Ruth Grier

Ruth Grier
Minister

cc: attached list of submitters

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1. NATURE OF THE REFERRAL

On July 6, 1989, the Honourable Jim Bradley, Minister of the Environment, asked the Environmental Assessment Advisory Committee to provide advice on the adequacy of the existing environmental planning and approvals process to protect the Watershed of the Ganaraska River in view of potential development in the Watershed area. The referral arose from a request by local residents for designation under the Environmental Assessment Act of the Reid/Reyneart Development, a proposal to build a subdivision with 13 estate residential lots in the headwaters area of the Ganaraska River. After reviewing this request, the Minister decided that "the environmmental impacts are not significant enough to warrant the preparation of an individual environmental assessment of the...development." The Minister stated, however, that the "long term effects of development in the Ganaraska Watershed are important..." and asked the Committee to carry out an open, public review.

The Committee notified local municipalities, government agencies, groups, and individuals including: the Region of Durham; all counties and local municipalities in the Watershed; local residents and others who had expressed an interest in protection of the area; provincial and environmental groups; the Ganaraska Region Conservation Authority (GRCA); affected provincial ministries and agencies; and local media. A complete list of those notified is available at the Committee's office.

The Committee held a public meeting in the Town of Newcastle which is located in the Watershed on the evening of Thursday, September 7, 1989, in order to receive oral submissions. The Committee also met with Ontario government agencies on September 13, 1989, in Toronto to hear submissions on existing provincial planning and approval requirements, policies, and guidelines to protect watersheds or other environmentally significant areas.

Although the Minister asked the Committee to provide advice on the adequacy of the existing planning and approvals process to protect the Watershed, both the original designation request to the Minister and submissions focused on concerns about protection of the headwaters area located in the Town of Newcastle, which is in Durham Region. Consequently, the Committee's report and recommendations also focus on this area.

2. BACKGROUND

The Ganaraska River flows from its headwaters at the southern slope of the Oak Ridges Moraine in the Town of Newcastle, southeasterly to the Town of Port Hope where it empties into Lake Ontario. Its main tributary is the North Ganaraska River which originates in the Moraine in the Township of Hope, immediately to the east of Newcastle. The Ganaraska Watershed has a drainage area of 275 square kilometres and includes the Town of Newcastle in the Region of Durham, the Townships of

Hamilton, Manvers, Cavan and Hope, and the Town of Port Hope. Attachment 1 is a map of the Watershed.

The features of the Ganaraska headwaters area are typical of those found in the Oak Ridges Moraine. The Moraine is approximately 160 kilometres in length and runs from the Niagara Escarpment east to the Trent River. It comprises about 1300 square kilometres of land characterized by hilly, irregular surfaces marked by holes and depressions. The ridge of the Moraine is an elevated plateau which rises sharply along its southern boundary and declines gradually to the north. This ridge is a drainage divide and contains the headwaters for rivers running south toward Lake Ontario, as well as a recharge area which feeds groundwater aquifers across the southern slope. Attachment 2 is a map showing the location of the Moraine.

The headwaters of the Ganaraska stretch for 24 kilometres across the base of the Moraine. At one time, extensive deforestation of the headwaters area had caused erosion and degradation of the soils as well as regular downstream flooding, prompting theFederal and Provincial governments to commission a study. The Report on the Ganaraska Watershed, published in 1944, recommended public acquisition and reforestation of eroded lands in the headwaters area. TheReport led to the formation of the Ganaraska Region Conservation Authority (GRCA) in 1946 to oversee the rehabilitation of the headwaters area through acquisition and reforestation. Currently, the GRCA owns approximately 4,300 hectares of land in the headwaters area, 90% of which is forested. This area is known as the Ganaraska Forest and is jointly managed by the Authority and the Ministry of Natural Resources (MNR).

3. EXISTING ENVIRONMENTAL PLANNING AND APPROVALS

Development proposals in the Ganaraska Watershed are subject to planning requirements established under the Planning Act, 1983. Development must take place in a manner consistent with the policies of regional and local municipal plans, or by amendment to these plans. Two municipalities comprise almost all of the Watershed: the Town of Newcastle and the Township of Hope. The rest of the Watershed is within the planning jurisdictions of the Townships of Hamilton, Cavan and Manvers, and the Town of Port Hope.

The headwaters of the Ganaraska are largely within the Town of Newcastle, in the Regional Municipality of Durham. Newcastle's Official Plan incorporates the Region of Durham's Official Plan policies with respect to the headwaters area. The headwaters of the North Ganaraska River, the main tributary of the Ganaraska, are located in the Township of Hope. A small portion of the headwaters area is also located in theTownships of Caven and Manvers.

a) Planning Policies

The Committee reviewed the planning policies applicable to the headwaters area. The official plans of Durham Region and Hope Township have the following policies for the headwaters area.

Region of Durham Most of the headwaters of the Ganaraska is designated major open-space in the Region of Durham Official Plan. This designation generally restricts development to agricultural use, conservation and reforestation activities such as those carried out by the GRCA, and a number of other relatively non-intensive uses. More intensive land uses such as residential, mineral extraction, and commercial activities would require an amendment to the plan. The Durham Official Plan also recognizes the significance of the Oak Ridges Moraine as a physiographic feature and states that one of the objectives of the open space designation is to preserve and protect the Moraine "in recognition that the Oak Ridges Moraine is a unique landscape feature of the region". Section 12.3.7 of thePlan states that regional council shall prepare and adopt a set of "comprehensive guidelines" for the Moraine which takes into account: its "special natural and scenic features"; its "role as a predominant landscape element in the Region"; and its significance for mineral resources. These guidelines have not yet been developed.

The Durham Official Plan designates certain areas as "environmentally sensitive areas". These include lands which have been identified as biologically sensitive such as aquifer recharge areas, headwaters, and areas with unique plants or wildlife. Prior to approving a development application in an environmentally sensitive area, the local municipality is required to carry out a study of the subject area, or of a wider area if the local council deems it necessary. The study must determine: the environmental sensitivity of the area; compatibility of the proposed activities; any required mitigation measures; location, amount and type of activities; and the location and extent of those areas which should be preserved. The Region has not yet designated environmentally sensitive areas for those parts of the Watershed within its jurisdiction.

The Durham Official Plan also designates certain areas as "hazard lands". These are lands with physical constraints such as poor drainage, steep slopes, or susceptibility to flooding and erosion, and include lands near to watercourses which are subject to flooding. Development on these lands is restricted, and subject to regulations by the Conservation Authority.

Township of Hope Most of the headwaters area within the Township of Hope is designated as "recreational and conservation", which restricts the use of these lands to "recreation, leisure and conservation for forestry purposes". Hazard lands, including those areas near the river which are subject to flooding, are designated "environmental constraint areas".

Residential and estate residential uses within the headwaters area are concentrated in three hamlets , Kendall in Durham Region, and Garden Hill and Campbell Croft in the Township of Hope.

b) Planning and Approvals Process

Under the current planning process, municipalities review development applications on a case-by-case basis. The Planning Act establishes the decision making process for official plans, official plan amendments, plans of subdivision, and zoning by-laws. Official plans are prepared and adopted by the regional or local municipalities, and must be approved by the Minister of Municipal Affairs. At the request of the municipality or any other person, the Minister must refer the plan or any part of the plan to the Ontario Municipal Board (OMB) for final approval. Official plan amendments must also be approved by the Minister, and if requested, referred to the OMB. The Planning Act also sets out procedures for the approval of plans of subdivision, involving the municipality, the Minister of Municipal Affairs and in some cases the OMB. Zoning by-laws are approved by municipalities and can be appealed to the OMB.

Where the Provincial Government wishes to ensure that provincial priorities are incorporated into municipal planning policies, it has two options. First, Section 17 of the Planning Act empowers the Minister to declare parts of a municipal official plan as a matter of "provincial interest" by notice to the OMB. When the OMB receives such notice, Cabinet is empowered to make the final decision on the matter. Second, Section 3 of the Planning Act empowers the Minister to issue policy statements for matters of municipal planning that are deemed to be of provincial interest. Policy statements have been issued for mineral aggregate extraction, housing and flood plains.

As a matter of practice, official plans, and development applications involving official plan amendments, plans of subdivision, and zoning by-laws are circulated to government agencies and ministries for comment. In the case of the Ganaraska Watershed these are circulated to a number of government agencies including the Ministry of the Environment, the Ministry of Natural Resources, and the Ganaraska Region Conservation Authority. As commenting agencies, MOE, MNR and GRCA have the right to appeal municipal planning decisions before the Ontario Municipal Board where these decisions are inconsistent with the commenting agency's land use policies or guidelines. The role of each of these agencies with respect to the Ganaraska is described below.

The Ministry of the Environment comments on ground and surface water quality and quantity, air quality, noise, vibration, and land use compatibility. With respect to stormwater quality, the Ministry is in the process of developing "Interim Stormwater Quality Guidelines". The purpose of these guidelines is to assist MOE and MNR staff in reviewing stormwater management facilities required for development proposals. In addition to providing comments, the

Ministry has approval authority over projects which require drilling of wells, or construction of a septic tank system.

The Ministry of Natural Resources comments on existing cold water fisheries; wildlife habitat; aggregate resources; lands which have been designated by the Ministry as Areas of Natural and Scientific Interest (ANSI); recreational areas which are on crown land; and forest resources. In addition, the Ministry has approval powers under the Fisheries Act, where a development could have an adverse impact on the fish habitat.

The Lindsay District Office of MNR has established District Land Use Guidelines, a planning document which includes the Ganaraska Watershed. These guidelines set out existing information and MNR policies on areas of Ministry responsibility. The Guidelines assist MNR staff in commenting on official plans and development applications.

The Ganaraska Region Conservation Authority comments on flood and erosion control issues, potential impacts on lands owned by the GRCA, and environmentally sensitive areas. It also assists municipalities by identifying flood plain areas to be designated as environmental constraint or hazard lands in official plans and has responsibility for ensuring that the provincial policy statement on flood plain planning is recognized in municipal land use documents.

The GRCA has developed a series of goals and objectives for each of the five programs which it administers: flood plain management; water quality and quantity management; land management including forest management, wildlife habitat and fisheries improvement, erosion and sediment controls; community relations; and recreation. In 1983, the GRCA published a draft Watershed plan which proposed a set of policies for managing natural resources within its watersheds. This plan was never finalized.

The GRCA also administers the regulations under the Conservation Authorities Act for fill, construction and alteration to waterways. The purpose of these regulations is to provide for control of flood and/or erosion within stream or river valleys.

4. SUMMARY OF SUBMISSIONS

The Committee received written and oral submissions from 42 individuals, groups, municipalities including the Township of Hope, Town of Newcastle, and Region of Durham, and government agencies. In addition, at a meeting on September 13, 1989 the Committee received oral submissions from representatives of the Ministries of Agriculture and Food, Environment, Municipal Affairs and Natural Resources, and the Association of Conservation Authorities of Ontario. Attachment 3 is a list of the submitters.

The submissions have been summarized under the following categories: environmental significance of the Ganaraska Watershed and the Oak Ridges Moraine; pressures for land use intensification; adequacy of the existing planning and approvals process; and options for improvements to the process.

a) Environmental Significance - Ganaraska Watershed

The Region of Durham submitted that its primary concern is the potential for groundwater contamination in the headwaters area of the Ganaraska River.

The Ganaraska Region Conservation Authority submitted that:

- the primary environmental significance of the headwaters area of the Ganaraska Watershed is its influence on groundwater quality and quantity;
- the historic sensitivity to soil erosion in the headwaters area and subsequent detrimental effects on water supply and flood control have been extensively documented;
- the area has a significant influence on surface runoff rates and potential flood damage down stream; and
- the Ganaraska Forest is a regionally significant open space in south central Ontario, providing important recreational opportunities, and supporting a variety of indiginous plant, animal and bird life.

Save the Ganaraska Again Committee (SAGA) submitted that:

- the headwaters area comprises the Ganaraska Forest, the first conservation project in the Province;
- the area is currently relatively unspoiled; and
- the water retention qualities of the Forest and the Moraine ensure a major groundwater recharge area, springs and rivulets originating from the Moraine feed cold water streams which sustain large numbers of fish.

The Ontario Forestry Association submitted that the Watershed and Ganaraska Forest have stablized sand dunes and controlled water flow and the forest is of interest for many in the forestry community.

Professor Stuart Ryan, Professor of Law, Queen's University, and an original member of the Ganaraska Conservation Authority, submitted that:

- the drainage area of the Ganaraska River is typical of land across the Oak Ridges Moraine with its fragile soils which are vunerable to erosion;

- prior to the establishment of the GRCA, the watertable under the ridge had fallen sharply, wells in the area had dried up, and vegetation was sparce;

- the principle objectives of the 1944 Ganaraska Report were

  - protection of vegetation and soils,

  - conservation of water,

  - restoration of forest cover to the 20,000 acre area designated as the Ganaraska Forest,

  - preservation of agricultural soils through appropriate agricultural techniques, and

  - establishment of recreational areas,

  and that these are worthy objectives that should be pursued and not forgotten in the face of gradual encroachment or direct attack.

Local residents and others made the following submissions.

- The Ganaraska Watershed is a rare and irreplacible part of Ontario's heritage. A number of local residents have dedicated great energy and resources over the past forty years to ensure the preservation and local understanding of the significance of the Watershed.

- The primary concern is not the Ganaraska Watershed but the headwaters of the river which lie within the boundaries of the Oak Ridges Moraine.

- The river itself has unique ecological, geographic and visual qualities.

- The area is of historical significance as hunting and fishing grounds for the Mississauga Indians.

- The area is used for nature walks and educational purposes by schools, church groups, and local residents.

- The significance of the area can not be quantified, categorized or classified since it is qualitative and has a spiritual aspect.

The Committee also received submissions and a petition of 67 names from 19 students of Newcastle Public School. These submissions discussed the natural beauty of the Watershed, the need to protect its forests, wildlife, and waters and the importance of the area for recreation and education, and for future use and enjoyment.

b) Oak Ridges Moraine

The Metropolitan Toronto Region Conservation Authority (MTRCA), the Association of Conservation Authorities of Ontario (ACAO), Save the Oak Ridges Moraine (STORM) and a number of others made the following submissions on the significance of the Moraine.

- MTRCA submitted that the Moraine is a significant natural resource area with major and growing importance for the Greater Toronto Area and should be protected for the following reasons:
  - to maintain base flow and qualitity surface waters,
  - to supply water for local residents,
  - to maintain fishery resources,
  - to conserve and enhance forest cover, and
  - to provide a green space corridor.
- ACAO identified its importance as a recreational area and a source for mineral aggregates.
- The Moraine is the headwaters for a number of conservation authorities and the divide between major watershed systems.
- The Moraine is environmentally sensitive due to highly erodable soils.
- It provides habitat for unique flora and fauna including a number of rare species.
- The Moraine is a provincially important natural formation with a sigificance parallelling that of the the Niagara Escarpment. In terms of its aesthetic and recreational value, as well as, its geographic uniqueness, the Moraine is fundamental to the natural heritage of the Province.

c) Pressures for Land Use Intensification

STORM, MTRCA, ACAO and others made the following submissions on development pressures across the Oak Ridges Moraine.

- The whole of the Moraine is vunerable to development pressures due to increasing demand for estate residential housing.

- The Moraine could become a major transportation and transmission corridor.

- The Moraine has far more development pressure and far less coordinated planning than the Niagara Escarpment.

- The pressures within the Greater Toronto Region pose a threat to the remaining areas of green space represented by the Moraine.

- In the Regions of Peel and York, a significant number of estate residential subdivisions has already been approved in lands adjacent to and including the Moraine, and many of these are underway.

The Committee received the following submissions on development pressures in the headwaters area of the Ganaraska.

- There has been a recent large scale assembly of lands in the headwaters area. The Reid/Reyneard proposal is not significant in itself, but sets a precedent for permitting development in the headwaters area.

- The proposal abutts approximately 1,000 acres of property recently acquired by speculators/developers. Developers from outside the area have purchased 1,410 acres of land in the headwaters area, largely for estate residential subdivisions.

- There is a consistent and growing pressure to locate affordable housing in the vicinity of Toronto. This pressure is causing a significant eastward migration of people toward the Region of Durham and beyond.

- The Town of Newcastle submitted that it is "being deluged with applications for conflicting uses", including applications for gravel extraction. The Town further submitted that the Watershed is threatened by:

  - increased market demand for estate housing with recreational amenities;

  - unplanned rural housing, aggregate extraction; and

- the proposed Highway 407 and extension to Highway 35/115, and the pressure to develop along the Oak Ridges Moraine in the vicinity of the interchange between these two highways.

d) Adequacy of the Existing Process

Adequacy of Information GRCA, SAGA, the Region of Durham, and the Town of Newcastle submitted that there is currently inadequate information on the nature and extent of environmental resources in the Watershed and on the impacts of increased development on those resources.

- GRCA submitted that there is a need for study on the "hydrologic sensitivity" of the area as well as "other environmental sensitivities."

- SAGA submitted that the lack of background information on the headwaters area makes it difficult to assess properly the impacts of the proposed development.

- The Region of Durham submitted that information on the overall sensitivity of the Watershed and potential impacts of development is not available.

- SAGA submitted that much of the supporting information on which approvals are based is outdated. For example, the Reed/Reyneart proposal relied on soil mapping which was developed in the 1930's and does not always reflect the quality of farmland in the area.

Existing Planning Policies Both the Region of Durham and the Township of Hope submitted that the existing planning policies adequately protect the headwaters of the Ganaraska Watershed .

The Township of Hope submitted that:

- the Township plans to direct residential and industrial growth to its four existing and two proposed hamlets, all located within the Watershed;

- its official plan and comprehensive zoning bylaw restrict development on land adjacent to the Ganaraska; and

- the policies and regulations currently in place reflect provincial and agency input and local ratepayer concerns.

The Region of Durham submitted that:

- the headwaters area is protected by the "major open space" designation;
- the Region may require an environmental analysis prior to approving a developmental application;
- although the plan identifies environmentally sensitive areas which require further study prior to development, the Region has not yet identified environmentally sensitive areas in the headwaters of the Ganaraska; and
- the Region has not yet developed comprehensive guidelines for the Oak Ridges Moraine as called for in the Official Plan.

The Ministry of Natural Resources submitted that:

- it has been successful in encouraging municipalities to adopt meaningful environmental policies which preserve the integrity of the natural environment through its review and comments on official plans and OPAs; and
- the Durham Regional Official Plan has extensive policies to protect the natural environment and the Oak Ridges Moraine.

Existing Planning Process The Region of Durham, the Township of Hope, the GRCA, the Ministry of Natural Resources, and the Ministry of Municipal Affairs submitted that the existing planning process was adequate to ensure environmental protection in the Ganaraska Watershed, and that the application of the Environmental Assessment Act is not necessary.

The Ministry of Natural Resources made the following submissions in support of Ontario's existing planning process

- The process provides a fair opportunity for MNR to review major urban land use changes, request changes or mitigation measures to protect MNR interests, and appeal decisions to the OMB.
- The Ministry, with MOE, is currently exploring more effective design and mitigation techniques in its assessment of development proposals
- In general, the current process under the Planning Act is effective for the following reasons:
    - it is well understood by individuals, municipalities and other planning agencies;

- it places fundamental planning control at the municipal level which is closest and most responsive to community needs; and

- it involves consideration of a wide range of social, economic and environmental issues; and

- the OMB is a highly respected and credible public appeal board.

The Town of Newcastle, SAGA, STORM, and local residents argued that the existing planning process does not ensure adequate protection of the Watershed or the Oak Ridges Moraine.

The Town of Newcastle submitted that:

- GRCA lacks the policies and direction to ensure Watershed protection, and that major development applications do not receive adequate attention from the Authority,

- individual estate residental proposals are circulated and looked at in isolation,

- the Town does not have the expertise or information necessary to assess the environmental significance of the area, and

- the process does not ensure that cumulative effects are addressed.

- The Town's Planning Director submitted that, in his experience, the Ontario Municipal Board has not recognized or addressed the cumulative impact of development in determining whether or not the development should be approved.

SAGA, and other local residents made the following submissions.

- Local residents can only play a token role in the planning process because they do not have the expertise, time and resources to compete with the developers.

- Developers have little trouble getting approval for projects from local municipalities, and have the advantage of being able to hire engineers, planners and lawyers to assist them.

- There is currently no clear set of planning rules and this leads to the abuse of planning principals.

- A lack of funding and information influences planning decisions. For example, the inability of the Region to implement the studies recommended in their Official Plan, through lack of financial resources has led to uninformed planning decisions.

- The commenting agencies each have their own narrow mandate. The process seems fragmented with frustrating gaps, and no one body is taking a comprehensive view.

- Commenting agencies appear to suffer from a lack of time and resources, as well as, a high volume of proposals to address.

- The Ministry of the Environment is generally the last to reply to applications, and this often comes by way of a phone call.

- Councillors do not have the time to understand the issues involved prior to approving a development application.

- Official plans and zoning bylaws are ineffective in the face of current development pressures and the current process tends to permit encroachment on open space by way of piece meal exemptions to existing planning policies.

MOE Approvals Branch submitted that:

- the Ministry may, but does not always, review official plans and amendments, plans of subdivisions, zoning by-laws and amendments, and/or severences;

- not all documents circulated to MOE are reviewed for environmental concerns;

- specific concerns raised by MOE, and not addressed by the municipality or developer are not usually pursued at an OMB or other hearing;

- no follow-up monitoring is performed to ensure MOE concerns are addressed;

- MOE's land use plan review program is currently operating beyond capacity due to accelerated development activities;

- MOE does not assess the cumulative effects of development, but reviews each application based on criteria for individual proposals;

- MOE does not assess whether or not a development is consistent with long term sustainment of the natural environment; and

- there are many flaws in the planning process which have the potential to compromise environmental protection including clearing and grading of land by developers before planning approval is sought or obtained.

ACAO submitted that Durham is not likely to avoid the increased development that has taken place in other regions across the Oak Ridges Moraine and that politicians often have difficulty upholding the planning policies in their official plans in the face of development pressures.

A number of submitters commented on the recently released proposal to streamline environmental and land-use planning and approvals in Ontario. It was submitted that developers appear to have the ear of the proponents of this proposal, and that the only potentially effective agency for protection of the environment is the legislation currently administered by the Ministry of the Environment.

STORM, ACAO and others submitted that there is a need for more coordination in planning across the Oak Ridges Moraine. It was submitted that:

- the official plan and zoning designation of Moraine areas are not consistent across the Moraine,
- the type and amount of development permitted by municipalities along the Moraine is not consistent,
- the dissection of the Moraine into municipal boundaries has led to inconsistent development and confused planning priorities, and
- there is a need for " ecosystem based planning" in municipal, regional and provincial planning processes.

The GRCA submitted that within the Watershed, there are inconsistencies in planning policies from municipality to municipality, although all municipalities within the Watershed recognize, to varying degrees, the environmental function and sensitivity of the Moraine.

e) Options for Improvements to the Process

Almost all submitters recommended that studies be carried out to determine the environmental resources, and impacts of development on the headwaters of the Ganaraska, and across the Oak Ridges Moraine.

The Region of Durham and the Town of Newcastle made the following submissions.

- A comprehensive study of the environmental sensitivity of the Watershed should be carried out with funding by the Ministry of the Environment, because of the provincial significance of the area and the Ministry's jurisdiction over groundwater.

- Municipalities within the Watershed should be responsible for carrying out these studies and incorporating the results into municipal planning policies in cooperation with the GRCA, MOE, and MNR.

- The greatest priority is the study of the headwaters area.

- The Region of Durham submitted that these studies would provide an information base for identifying environmentally sensitive areas, as defined in the Durham Regional Offical Plan.

SAGA submitted that:

- studies should be carried out with the direction and funding of MOE to determine

  - hydrogeological characteristics of the Watershed,

  - a master drainage plan for the Watershed, and

  - identification of areas where wildlife may be sensitive to increased development.

- until studies are done and a policy review is complete, the Region should declare the headwaters to be a "special study area", and no further development should take place in the headwaters area.

- the best long term solution is to complete implementation of the 1944 report on the Ganaraska which recommended acquisition of additional land for reforestation and conservation by the Province; however, this solution is impractical given escalating land prices and limited provincial resources for this purpose.

- as alternatives, SAGA recommends: issuance of a provincial policy statement under Section 3 of the Planning Act; or modification of the mandate of existing agencies to provide adequate protection for the entire Oak Ridges Moraine, taking note of its role as a predominant landscape element and vital natural resource.

GRCA recommended that:

- a provincially funded comprehensive study of the headwaters of the Ganaraska to be undertaken by municipalities in cooperation with GRCA, MOE and MNR.

- consideration be given to extending this study to the whole of the Oak Ridges Moraine and associated land forms within the jurisdiction of the GRCA.

- member municipalities of GRCA with lands in the Oak Ridges Moraine together with the provincial ministries and GRCA develop a set of land use policies and designations which reflect the comprehensive environmental sensitivity of the Moraine.

- these policies be consistently applied across the Moraine within the area of GRCA's jurisdiction.

The following options for the protection of the Oak Ridges Moraine were suggested were:

- ACAO recommended that a comprehensive and detailed public examination of the entire Oak Ridges Moraine and future options for its management and preservation be carried out.

- MTRCA recommended that the need for stronger environmental planning guidelines across the Moraine be addressed.

- STORM, the Coalition on the Niagara Escarpment (CONE) and a senior planner with the Niagara Escarpment Commission all recommended that the Province consider developing a set of planning policies for the Oak Ridges Moraine, similar to the Niagara Escarpment Plan, and that the Niagara Escarpment Planning and Development Act and the Niagara Escarpment Plan provide a good model for land-use planning on the Moraine. The following positive features of the Plan were identified :

  - it addresses cummulative effects of the development;

  - planning is based on "environmental entities" as opposed to our political boundaries;

  - implementation is undertaken by the Niagara Escarpment Commission and Niagara Escarpment Hearings Officers - decision makers who are focused on the Escarpment, its Act and its Plan, and consequently are familiar with the rate at which development is occurring and are better able to assess the cumulative impact of a development application;

  - planning for the Escarpment as an entity makes its easier for government agencies and groups and individuals interested in conservation of resources to participate in, and monitor the implementation of planning policies;

  - by way of contrast the Ontario Municipal Board deals with a number of different pieces of legislation covering a wide range of issues, and

never gets the "feel" for the extent of development or its cumulative effects on a particular land form; and

- the Niagara Escarpment could not have been effectively protected without the coordination facilitated by the Act.

Other residents recommended:

- consideration of government acquisition of lands in the headwaters area;
- increased commitment to protecting environmentally sensitive areas, through funding, legislation, and imposition of penalties;
- establishment of an environmental advisory committee at the municipal level with membership to include local residents;
- designation of the Ganaraska Watershed as a heritage conservation area, which recognizes the area as a natural heritage; and
- increased funding for and a review of the mandate of Conservation Authorities.

The following concerns were expressed about the application of the Environmental Assessment Act in this case.

- The Ministry of Natural Resources submitted that the use of the Act would "be fundamentally counter to provincial efforts to streamline the control process, especially where current legislative controls are capable of addressing environmental issues", and as alternatives recommended:
  - that the Ministry of Municipal Affairs be assigned the task of enhancing the process already in place under the Planning Act; and
  - use of a policy statement under Section 3 requiring municipalities to identify and protect provincially significant natural resources or environmental features.
- The Township of Hope submitted that the application of the Act would:
  - add unnecessary additional costs and delays to the review of development proposals at a time when the Ministry of Municipal Affairs is attempting to streamline this process;
  - be inconsistent with municipal autonomy;
  - discourage developers with bonifide proposals in the Watershed, given the stigma associated with environmental review;

- direct too much time and energy toward environmental aspects and not enough to planning initiatives;

- may put the Municipality in an awkward position if it cannot support the proposal later in the development process, since the developer would have already devoted considerable resources to an environmental assessment; and

- be inappropriate for the entire Watershed since the environmental assessment process reviews individual projects.

5. DISCUSSION AND RECOMMENDATIONS

The Minister has asked the Committee for advice on the adequacy of the existing environmental planning and approval process to protect the Ganaraska Watershed in view of potential developments. The Committee has, accordingly, focused its attention on enviromental planning issues and practices in the Ganaraska area, especially the headwaters on the south side of the Oak Ridges Moraine. However, the case also raises larger questions, many of them familiar, that the Committee has been required to address in a variety of referrals in recent years. These questions relate to the relationship between the land-use planning process in Ontario and the environmental planning process established under the Environmental Assessment Act. The Committee notes that these questions have gained greater significance in light of recent proposals to streamline the planning and approvals process to accommodate urban and suburban growth in the Province.

The often competing demands for better long-term environmental planning and for more intensive land use to accommodate growth are testing the adquacy of Ontario's current land-use planning process. Concerns about the future of the Ganaraska Watershed in face of increasing "development" pressures, have arisen as one case example of doubts that the existing process is satisfactory.

The Committee received submissions on:

- the environmental significance and vulnerability of the Ganaraska Watershed and, in particular, the headwaters area of the Ganaraska River in the northern part of the Town of Newcastle;

- the environmental importance of the Oak Ridges Moraine, the physiographic feature to which the Ganaraska Watershed is closely linked;

- the nature and magnitude of current and potential development in the Ganaraska Watershed and across the Oak Ridges Moraine;

- the adequacy of the current information and, in particular, information on ground and surface water resources in the Ganaraska Watershed as a basis for planning decisions;

- the adequacy of the existing planning process to address potential future developments in these areas and in environmentally important areas generally, including the adequacy of current and proposed regulations, policies and guidelines to address cumulative impacts;

- possible changes to the existing planning and approvals process and other means of ensuring that environmental concerns are addressed.

It is thus clear, both from the nature of the concerns that led to the referral and from the substance of the submissions, that any useful analysis of the Ganaraska issues will have implications not just for the Ganaraska area but also for future legislation and policy development with respect to land-use planning and environmental protection across the Province. Therefore, the Committee has divided its comments and recommendations on this referral into two parts. Part one identifies and addresses concerns specific to the Ganaraska area. Part two addresses the general planning issues that arise out of the case but have broader implications for land-use planning in the Province.

PART 1: Ganaraska Issues

a) The Environmental Significance of the Watershed Area and Pressures for Intensification of Land Use

Almost all submissions received by the Committee stressed the environmental importance of both the headwaters of the Ganaraska River and the Oak Ridges Moraine.

The Ganaraska Region Conservation Authority submitted that the headwaters of the Watershed are of primary environmental significance because of their influence on ground and surface water quantity and quality, but also stressed the importance of the Ganaraska Forest as green space, a recreational area and habitat for indigenous plants and wildlife. Other submitters, including the SAGA group, emphasized the historical significance of the Watershed as the location of the first major conservation project in the Province. Logging in the region in the 19th century resulted in extensive erosion and flooding. In the 1940's, however, following the publication of a report on the Ganaraska Watershed, known as the Richardson Report, extensive reforestation was inititated and the Ganaraska Forest was established. The Richardson Report provides an historical perspective on the environmental sensitivity of the headwaters area.

The Committee has concluded that the headwaters of the Ganaraska River represent an important natural resource for the region and the Province. Intensification of land use in the area would involve potentially significant negative effects on surface water quality, ground water resources and water supply to local residents, recreational opportunities, a major forest resource, fisheries, wildlife habitat, and a large residual greenspace in rapidly urbanizing south-central Ontario. Further, this area is representative of lands across the southern slope of the Oak Ridges Moraine both in terms of the resource to be protected and the sensitivities to future disruption.

The headwaters area of the Ganaraska, like most of the area across the southern slope of the Moraine, is increasingly subject to "development" pressures arising from the demand for homes in the vicinity of the greater Toronto area. The committee heard from government agencies, municipalities and citizens groups that these pressures in the Ganaraska area are growing with the demand for estate residential housing, the east and northeast expansion of Greater Metropolitan Toronto urban area, and the commencement of large-scale assembly of lands in the headwaters area and across the southern slopes of the Moraine by developers. The Association of Conservation Authorities and the Metro Toronto and Region Conservation Authority submitted that similar pressures exist across the full extent of the southern slope of the Moraine and that a comprehensive response is necessary if environmental resources are to be protected.

Given the significance of the headwaters area and the Moraine, and these "development" pressures, the general question is whether adequate environmental protection of the Ganaraska and the Oak Ridges Moraine can be achieved and maintained using the current land-use planning and approval process or whether other options need to be pursued.

It should be underlined here that the main environmental worry is not the immediate effects of individual subdivisions or other projects, but the overall, cumulative effects of many undertakings. Considered individually "development" projects may appear to have insignificant environmental effects, but together their impacts may be environmentally catastrophic. The central issue, then, is whether the current land-use planning and approval process can identify and avoid cumulative as well as individual impacts.

b) The Existing Planning Process in the Watershed

Concerns about the adequacy of the existing planning process to protect environmental resources in the Ganaraska area fall into four categories:

- the adequacy of existing information on the Watershed;

- the adequacy of existing land-use planning policies (zoning designations, etc.) to ensure environmental protection;

- the adequacy of the existing approvals procedures as means of protecting against environmental degradation; and

- the adequacy of coordination efforts to ensure that planning policies and practices protect environmental resources which cross municipal planning boundaries.

Our comments on these matters centre on planning within Durham Region's share of the Ganaraska area. The largest portion of the Ganaraska headwaters lies within Durham Region and most of the submissions to the Committee focused on planning within this region. However, we do not believe that the larger problems identified here are peculiar to Durham or that Durham has dealt with them less ably than other municipalities.

Adequacy of Existing Information

Almost all of the submissions received by the Committee identified the need for further information as a major issue. The Region of Durham, the Town of Newcastle, the Ganaraska Region Conservation Authority, the SAGA Group, and other submitters all agree that there is currently insufficient information about the nature of the groundwater resource in the headwaters of the Ganaraska River and how that resource would be affected by future land use intensification. While submitters emphasized the importance of undertaking a hydrogeological study of the area, many also argued that information on other aspects of the Watershed is needed to make sound planning decisions. In particular, the Committee notes submissions which identify needs for preparation of a master drainage plan, and for more information on the vulnerability of ground and surface water quality, fisheries and wildlife habitat in the area.

A number of submitters, including the Ganaraska Region Conservation Authority and the Association of Conservation Authorities of Ontario also identified the need for a comprehensive examination of the entire Oak Ridges Moraine including the environmental sensitivity of the Moraine, and future options for its management and preservation.

In the Committee's view, a prerequisite for development of sound land-use planning, particularly in an area identified as environmentally important and historically vulnerable to degradation, is a full understanding of the resources and environmental features of the area to be protected, and the potential impacts of future activities on those resources and features.

Adequacy of Existing Planning Policies

Development within the headwaters of the Ganaraska Watershed in the northern part of Newcastle is subject to the planning policies set out in the Durham Region Official Plan. The headwaters area is designated as "major open space -- Oak Ridges Moraine" in the plan. This designation generally restricts land uses to agricultural and conservation activities. More intensive uses, such as residential, mineral aggregate extraction and commercial activities, would not be permitted without an amendment to the Official Plan. Durham's Plan also notes the significance of the Oak Ridges Moraine as a physiographic feature. One of the goals of the open space designation is to preserve and protect the Moraine "in recognition that the Oak Ridges Moraine is a unique landscape feature of the Region."

Although these policies are restrictive and recognize the environmental significance of the Oak Ridges Moraine, in the Committee's view they cannot ensure adequate environmental protection in the headwaters area. The inadequacy of information on the Watershed restricts the Region's ability to develop policies appropriate to the specific environmental sensitivities of the area. Moreover, the policies related to open space are general in nature and provide little guidance to municipal or regional councillors on how to address specific applications for land use changes. The Official Plan recognizes the need for more specific policies - Section 12.3.7 calls for Regional Council to develop comprehensive guidelines which take into account the special features of the Oak Ridges Moraine and to incorporate these guidelines, by amendment, into the Plan. But Council has not yet done this and cannot act quickly to correct the deficiency because the guidelines proposed in Section 12.3.7 cannot be prepared properly without environmental studies of the Moraine and evaluation of the nature and significance of cumulative impacts likely to result from various options for land use changes in the Moraine area.

For the portion of Ganaraska within Durham Region, there now a good opportunity to address the immediate needs for further information on the environmental resources within the headwaters area of the Ganaraska Watershed, and for better understanding of the potential effects of more intensive land use on those resources. This opportunity arises from two coincidental sets of circumstances.

First, the Region of Durham is currently undertaking a comprehensive review of the planning policies in its Official Plan. The Region recognizes the risks associated with making planning decisions without adequate information on the potential impacts of development, and it sees the need for an adequate information base if it is to assess properly the appropriateness of its current land use designations in the headwaters area.

Second, there is an apparent consensus among the Town of Newcastle, the Region of Durham, the Ganaraska Region Conservation Authority and other government agencies involved in the planning process that an environmental study of the headwaters area is needed. The Region of Durham, for example, calls for a study

to "provide comprehensive background information on the environmental sensitivity of the area for assessing the potential impacts of development on its groundwater and ecology." Marie Hubbard, Mayor of the Town of Newcastle and Chairperson of the Durham Region Planning Committee, submitted that "additional studies are required at the provincial level to provide the Region of Durham and the Town of Newcastle with improved policies to provide us with a better understanding of the area for better planning decisions." Both the Region and the Town recommend that the funding for these studies come from the provincial government.

The Committee agrees that these studies are required. Further, as the above two submissions suggest, these studies should not be limited to groundwater resources but to other environmental resources in the area. The Committee is also of the view that adequate planning decisions cannot be made in the absence of such information. The key question becomes how best to ensure that these studies are undertaken, and form the basis for future planning decisions in the region. In this regard, the review of the Region of Durham Official Plan now underway in the Region is fortuitous. It seems appropriate, given the consensus among all submitters that more information is required, to link required studies to the official planning process.

This does not resolve the question of funding for the studies, however. The Region and the Town have primary responsibility for ensuring that sound planning decisions are made in the headwaters area. But there is reason to conclude that the environmental importance of the Ganaraska headwaters extends beyond the immediate municipal jurisdictions and therefore is a matter of provincial as well as municipal interest. Certainly it is true that the Province would face a good portion of the costs of repairing or accommodating the damage if environmentally ill-informed planning proceeds. For example, planning decisions that fail to appreciate groundwater limits may well lead to otherwise avoidable water supply infrastructure needs that bring costs shared by the Ministry of the Environment.

In this light, the Committee believes it would be reasonable for the Ministry of the Environment not just to encourage the Region and Town to incorporate the necessary studies in the official plan review process, but also to assist the Region by helping fund the studies relevant to the Ministry's mandate and by making Ministry technical expertise available to the Region. Other provincial authorities with relevant expertise - for example, the Ministry of Natural Resources concerning flora and fauna inventories and fisheries impact considerations - should also be willing to assist in funding and/or conducting the studies.

<u>RECOMMENDATION 1</u>: The Minister of the Environment should urge the Region of Durham to carry out studies of the following as part of its current Official Plan review:

- **nature and extent of the ground water resources in the headwaters area and potential cumulative impacts of land use changes;**

- **nature and extent of surface water resources including all information required for the creation of a master drainage plan for the Watershed; and**

- **wildlife (flora and fauna) in the area and its vulnerability to the potential cumulative impacts of land use changes in the area.**

RECOMMENDATION 2: The Ministry of the Environment, the Ministry of Natural Resources and other provincial ministries with relevant responsibilities, should participate in funding and provide technical assistance to the Region of Durham to carry out the studies advocated in Recommendation 1.

Given the environmental importance and vulnerability of the headwaters area, the Committee is of the view that further official plan amendments allowing for intensification of land uses should not proceed until the Region is in a position to assess whether such land use changes are compatible with environmental sustainability. In effect this means a moratorium on approvals for "development" projects and related official plan amendments until the necessary environmental studies have been completed, the potential cumulative effects have been identified and evaluated, and the findings concerning environmental protection needs have been incorporated into a revised official plan. The revised plan would have to include appropriate policies and comprehensive guidelines for land use changes in the Ganaraska headwaters area within Durham Region.

The Committee recognizes that neither the Region of Durham nor the Ministry of the Environment is empowered to impose such a moratorium within the Watershed. The decision on whether a particular application is appropriate rests ultimately with the Ontario Municipal Board, or Cabinet if a "provincial interest" is declared under the Planning Act. Both the region, and the provincial authorities who comment on "development" applications, however, have opportunities to oppose official plan amendments until proper environmental studies have been completed and appropriate planning policies are in place.

In this context, the Minister of the Environment can take two immediate steps. First, he can urge Durham Regional Council not to amend land use designations applicable to the Watershed area until the environmental studies are completed and the findings translated into a package of official plan changes designed to recognize environmental protection goals. Second, he can instruct Ministry staff, who comment on proposed official plan amendments and applications for subdivision approval in the Ganaraska Watershed, to oppose all such applications for the headwaters area until the necessary environmental studies are done and the official plan revisions are complete. In addition, the Ministry should be prepared to appear before the Ontario

Municipal Board in opposition to applications to intensify land use within the Watershed while the studies and planning revisions are being completed.

Most of the Ganaraska headwaters area is in Durham Region and the recommended moratorium would cover the main areas of immediate concern reported to the Committee. While it is certainly appropriate to urge the other municipalities with lands in the Ganaraska Watershed to cooperate in the studies outlined in Recommendation 1, the Committee does not have sufficient information about potential concerns and current planning work in the Watershed area outside Durham Region to support a recommendation for specific actions by other municipalities.

RECOMMENDATION 3: The Minister of the Environment should urge the Region of Durham to impose a temporary moratorium on official plan amendments that would allow more intensive land uses in the Ganaraska headwaters area until the studies set out in Recommendation 1 are complete and a comprehensive set of revisions to the guidelines, designations and other policies in the Region of Durham Official Plan review is in place.

RECOMMENDATION 4: The Minister of the Environment should direct Ministry staff who comment on proposed official plan amendments and applications for subdivision approval in the Ganaraska Watershed, to oppose all such applications for the headwaters area until the necessary environmental studies are done and the official plan revisions are complete.

The Committee, however, is not convinced that these steps will be sufficient. As noted above, Durham Region does not have sufficient independent authority under the Planning Act to maintain a moratorium through its initiative alone. Moreover, it is probably unfair to place the burden of imposing a temporary moratorium solely on the shoulders of Durham Region when a significant provincial interest is also involved.

The most direct solution to this problem would be a declaration by the Province that land use changes in the Ganaraska headwaters area are matters of "provincial interest" under Section 17(19) of the Planning Act, and that the Province will use its authority to implement the temporary moratorium. This declaration of "provincial interest" approach, which gives ultimate planning approval powers to the Province rather than the Ontario Municipal Board, has recently been used to impose provincial control over land use decisions affecting the Toronto eastern waterfront. It could be applied as effectively and legitimately to the Ganaraska headwaters area.

RECOMMENDATION 5: The Province should declare that land use changes in the Ganaraska headwaters area are matters of "provincial interest" under Section 17(19) of the Planning Act, and that the Province will use its authority to impose a temporary moratorium on official plan amendments affecting the environment of the Ganaraska headwaters area.

An alternative would be to declare that all proposals for land use intensification in the Ganaraska headwaters will be designated to be subject to the requirements of the Environmental Assessment Act. This approach would force proponents of "developments" to describe the potentially affected environment in the Watershed, and the potential impacts of the undertaking on that environment. It would provide for critical review of the assessment. And, because of the unfortunate delays in the current review process, it would probably provide additional time for completion of the overall studies and planning review.

However, designation of individual undertakings under the Act would not ensure adequate attention to the cumulative effects of land use intensification throughout the Ganaraska headwaters area. The Environmental Assessment Act includes no specific requirement to consider cumulative effects and the assessments and reviews would proceed on a case-by-case basis. The Committee would therefore not advocate use of this approach unless the other options recommended above are not adopted or prove to be ineffective. But if the other options fail, the Minister should seek to designate undertakings involving land use intensification in the Watershed on an interim basis, until the needed studies and official plan revisions are in place.

RECOMMENDATION 6: If the temporary moratorium is not established effectively through adoption of Recommendations 3, 4, and 5, the Minister of the Environment should ask Cabinet to designate under the Environmental Assessment Act all proposals for land use intensification in the Ganaraska headwaters area.

The Committee notes that it would also be possible to declare Durham's official plan review to be an "undertaking" subject to the Environmental Assessment Act. The Act (Section 1(o)(i)) defines an undertaking to include "an enterprise or activity or a proposal, plan or program in respect of an enterprise or activity..." (emphasis added). This would have some advantages. Certainly it would encourage attention to cumulative impact issues. In order to meet the Act's requirements, the Region would have to describe fully the Watershed environment and the potential environmental impacts of various land use options. Indeed, the types of studies which have been suggested by submitters for the headwaters of the Ganaraska parallel closely the types of studies which would be required under Section 5(3) of the Act.

There are problems, however. Use of the Environmental Assessment Act is a somewhat cumbersome means of addressing environmental deficiencies in official planning, since it means imposition of additional planning and review requirements on top of an existing planning and review process. Although the Consolidated Hearings Act provides for integration of the two processes at the hearings stage, the Region would likely find the simple addition of Environmental Assessment Act requirements unacceptably onerous and might be tempted to postpone official plan revision work. Since it is not clear that the Region is obliged to produce a revised official plan, it is possible that imposition of Environmental Assessment Act requirements would have the negative effect of discouraging the Region from pursuing improvements in environmental protection through its official plan review.

Adequacy of the Existing Approvals Process for Environmental Protection

If the steps recommended above are successful in ensuring that the needed environmental studies and official plan revisions are completed, prospects for broad environmental protection of the Ganaraska headwaters will be much improved. However, even a much strengthened official plan will remain subject to the provisions and procedures for official plan amendments, including case-by-case decisions in response to "development" applications that may gradually allow significant cumulative intensification of land use and degradation of environmental quality.

Local residents, environmental groups and others consistently expressed to the Committee a fear that effective environmental protection of the headwaters area could not be achieved through the land-use planning and approvals process set out in the Planning Act. This fear, reflected in the decision by some to request designation of the headwaters area under the Environmental Assessment Act, rests on two central factors.

The first is the simple observation that other municipalities on the Oak Ridges Moraine, which are closer to Toronto and have already faced the "development" pressures just now rising in the Ganaraska headwaters area, have proved to be unwilling or unable to prevent the spread of residential land uses onto the southern slopes of the Moraine.

The second arises from how the current official plan amendment and approvals process has functioned in Durham Region. The Committee heard several reasons for concern that the cumulative effects of additional environmental pressures are not likely to be given serious consideration under the existing process:

- Durham's Official Plan does not require consideration of cumulative effects in the review of development applications. It is the Committee's understanding that this is the case in most municipal official plans. By way of contrast, the Niagara Escarpment Plan contains the following provision:

The cumulative impacts of development will not have serious detrimental effects on the Escarpment environment (e.g. water quality, vegetation, and landscape).

- Government agency experts who are asked for comments on applications and proposed amendments do not consider cumulative effects. A representative of the Ministry of the Environment, Land Use and Approvals Branch told the Committee that the Ministry does not generally consider cumulative impacts in its review of "development" applications during the planning process. Instead, the Ministry's practice is to look at each application on its own merits, and consider the technical issues specific to the proposal. Similarly, other commenting agencies including the Ganaraska Region Conservation Authority and the Ministry of Natural Resources, focus on specific technical aspects of individual proposals and do not address cumulative impacts. Moreover the role of these commentators is advisory only.

- Although the Ministry of the Environment (and any other commenting agency) has the option of pursuing concerns at an Ontario Municipal Board Hearing, this is rarely done.

- The case-by-case consideration of official plan amendments militates against the consideration of overall cumulative environmental impacts. According to the Planning Director for the Town of Newcastle, in his experience, the Ontario Municipal Board has been unwilling to accept arguments based on concerns about the cumulative effects of successive approvals, and focuses only on the merits of the specific application before the Board.

Committee finds these concerns serious and worrisome. However, they are not unique to the Ganaraska case and need to be addressed as generic deficiencies in the existing land-use planning and approvals process. See part 2 of this discussion, below.

Coordination Among Planning Jurisdictions

The discussion thus far has focused on protection of the portion of the Ganaraska headwaters within the Region of Durham. While this focus may be administratively reasonable, it is not satisfactory from an environmental perspective. Environmental degradation does not respect municipal boundaries. If adequate attention is to be given to the cumulative impacts of land-use planning decisions, planning will have to be done, or at least coordinated, on an ecosystem basis.

This referral raises planning issues concerning three interrelated geographic areas:

- The headwaters of the Ganaraska Watershed is the main area of concern for many submitters. This area is almost entirely within the planning jursidictions of the Region of Durham and the Town of Newcastle. However, planning decisions in the headwaters area will affect the whole Watershed.

- The headwaters area is part of the larger Ganaraska Watershed, which is the area expressly delineated by the Minister's referral to the Committee. In addition to the headwaters, this area encompasses the planning jurisdictions of Newcastle and Durham; the Townships of Hope, Hamilton, Manvers and Cavan; and the Town of Port Hope.

- The Ganaraska headwaters area is also part of the Oak Ridges Moraine, one of Ontario's major physiographic features, that extends through the planning jurisdictions of the four regions which comprise the greater Toronto area, as well as three counties, and at least 22 local municipalities.

The interjurisdictional character of the Watershed and the Moraine poses a considerable challenge for environmentally sensitive land-use planning, particularly because of the cumulative effects problem. Each municipality has its own set of priorities and objectives based on concerns within its jurisdiction. In the absence of special efforts, there is little likelihood that the separate municipal decisions will be consistent in their approach to environmental protection, or that they will reflect a comprehensive understanding of what is needed to protect overall environmental quality.

In the case of the Ganaraska Watershed there is at least a conservation authority - an agency with a mandate for consideration of some interjurisdictional matters on a Watershed basis. Nevertheless, the Ganaraska Region Conservation Authority submitted that the planning policies of the municipalities within the Watershed are inconsistent on environmental proection matters, and that there are no planning requirements which address the overall needs of the Watershed. Conservation authorities were set up, in part, to address planning issues on a Watershed basis. The Ganaraska Region Conservation Authority, however, has neither the mandate nor the resources to establish and implement planning policies for the Watershed. In 1983, it generated a Watershed Plan to address a number of Watershed issues. Due to lack of funding and provincial support, this plan was not pursued past the draft stage. Generally, the role of the Authority has been limited to identifying: potential impacts on GRCA lands and environmentally sensitive areas; and fill restrictions and flood prevention requirements.

The Committee understands that the role and mandate of Ontario's conservation authorities are currently under review. In 1987, an interministerial Steering Committee, the Burgar Committee, submitted a report with recommendations

to the Minister of Natural Resources. A second committee, with representation from MNR and the Association of Conservation Authorities, was subsequently established to examine these recommendations and present its findings to Cabinet. In our view the current review of the conservation authorities presents an appropriate opportunity to strengthen the participation of conservation authorities in the land-use planning process. In particular, it may well be appropriate to give the authorities the mandate and resources to review the cumulative effects of proposed land use changes in their respective watersheds.

RECOMMENDATION 7: In its current review of the role and mandate of conservation authorities, the Province should consider how to give the authorities a more effective role in the land-use planning process, especially in protecting against negative cumulative effects of land-use planning policies and approvals.

A number of individuals and groups who made submissions to the Committee stressed the link between the environmental significance of the Ganaraska headwaters and the need for environmental protection across the Oak Ridges Moraine. They emphasized that the physical characteristics of the Ganaraska headwaters area are representative of the Moraine's features and that the importance of the headwaters area as wildlife habitat, for example, is to a significant degree dependent on protection of the Moraine environment beyond the Ganaraska.

The Oak Ridges Moraine is a glacial formation which forms an elevated plateau running 160 kilometres from the Niagara Escarpment to the Trent River. Like the Niagara Escarpment, the Moraine is a provincially significant natural formation with ecological, aesthetic and recreational value as well as geological uniqueness. The southern slopes of the Moraine contain numerous springs which, along with surface water runoff, are the sources of the streams flowing southward to Lake Ontario. The Moraine is one of the most important recharge areas for groundwater resources in Southern Ontario. It also acts as a long residual strip of wildlife habitat in rapidly urbanizing south-central Ontario. The Moraine is, in sum, an important part of the natural heritage of the Province.

Several submitters, including the Metro Toronto Region Conservation Authority, observed that the importance of conserving resources and protecting the greenspace character of the Moraine as a whole is enhanced by the Moraine's proximity to Metropolitan Toronto. Unfortunately, this proximity also means the Moraine is subject to the effects of Toronto-centred growth. The Committee notes that the Minister has received designation requests arising from concerns about several undertakings on the Moraine.

No doubt some further intensification of land uses on parts of the Moraine can be accommodated without compromising the Moraine's environmental value. But the

Moraine's mixture of soils, gravel and boulders is easily eroded, and its importance as a groundwater recharge area can be undermined by excessive surface development. Similarly the Moraine's importance as an extensive greenspace, recreational area, and wildlife habitat is vulnerable to damage and loss in the absence of coordinated means of protecting the Moraine from incremental degradation through intensifying land use.

There is at present no agency with an explicit mandate to coordinate or even advocate overall protection of the environmental quality of the Oak Ridges Moraine. Planning decisions affecting the Moraine have been left to the many individual municialities. Not surprisingly the effect has been an uneven level of protection for this provincially significant feature and the lack of a comprehensive strategy and consistent set of policies for environmental protection and appropriate development on the Moraine. For some portions of the Moraine, in the regions of York and Peel for example, land-use planning decisions and approvals have already eliminated preservation options.

A number of submitters, including the Niagara Escarpment Commission, the Coalition on the Niagara Escarpment, the Association of Conservation Authorities of Ontario, and Save the Oak Ridges Moraine, argued that the only way to ensure the protection of the Moraine's environment in the face of current growth pressures is by developing a comprehensive planning strategy applicable across the Moraine. Clearly the importance of the Moraine as a provincial as well as regional and local resource has not been recognized and maintained by the current planning and approvals process and it is unreasonable to expect individual local and regional authorities will in the future act together on this interjurisdictional matter, unless a special effort is made to establish a coherent and effective joint approach to protecting the Moraine.

On the basis of evidence presented in the Ganaraska referral alone, the Committee is in no position to determine how best to design and implement a comprehensive planning approach for the whole Oak Ridges Moraine. But it is evident that a comprehensive approach is needed and while the first steps could be initiated by the relevant municipalities, responsibility for ensuring that action is taken to protect this significant provincial resource would appear to rest with the Province.

The Committee believes that if land-use planning in the Ganaraska region and other individual portions of the Moraine is to be adequately informed and properly coordinated on environmental matters, the Province will have to ensure development of a comprehensive planning approach for the Moraine.

<u>RECOMMENDATION 8</u>: The Province should initiate immediately a process for developing a comprehensive approach to land-use planning and environmental protection for the Oak Ridges Moraine.

It is highly unlikely that developing such a comprehensive approach will be easy or quick. The work will have to involve the existing decision makers and major interests (the local and regional municipalities on the Moraine, conservation authorities and provincial government agencies, as well as public groups and private landowners), and will entail the considerable challenges of finding means of

- identifying more clearly the environmental significance of the Moraine,

- determining its vulnerability to cumulative as well as immediate degradation through land use changes,

- designing land use policies that would allow appropriate development without compromising environmental quality, and

- ensuring effective implementation of these policies.

If the record of conflict in the establishment of a comprehensive approach to planning for the Niagara Escarpment is any indication, the route to comprehensive planning for the Oak Ridges Moraine will be long and hard. Even if a way is found to protect the Moraine's environmental qualities effectively without establishing an independent planning body similar to the Niagara Escarpment Commission, it is unlikely that planning for the Oak Ridges Moraine will be much less contentious than the deliberations concerning protection of the Escarpment.

Development of a compehensive planning approach for the Moraine is therefore likely to be a medium to long term exercise. In the meantime, urban expansion pressures in the Toronto vicinity are likely to lead to continued intensification of land use on the Moraine, and significant if incremental degradation. In the absence of an interim strategy for protection of the Moraine, the Province could be left with little to protect when a comprehensive approach is finally established. The Committee has not attempted to identify or evaluate all of the potential options for interim protection of the Moraine.

Some measure of control over land use decision making affecting the Moraine could be achieved by declaring provincial interest or by issuing a provincial policy statement under the Planning Act or by use of the designation provisions of the Environmental Assessment Act. If no more effective and attractive option is found, the Committee would suggest declaration of provincial interest and establishment of procedures to ensure that proposed official plan amendments and other applications for land use changes affecting the Moraine are given careful review in light of a commitment to avoid negative overall effects on the environment of the Moraine. The designation option should be kept in reserve for use if the more direct approach is not adopted or proves ineffective.

RECOMMENDATION 9: While a comprehensive approach to land-use planning and environmental protection for the Oak Ridges Moraine is being developed, the provincial government should identify and implement an effective means of ensuring interim protection of the Moraine. This could be accomplished, for example, by declaring development on the Oak Ridges Moraine a matter of provincial interest and setting up procedures for provincial review of the overall environmental effects of proposed changes to land use on the Moraine.

PART 2: Generic Concerns About the Existing Environmental Planning and Approvals Process

The environmental protection concerns raised in submissions to the Committee are not limited, or peculiar, to the Ganaraska headwaters, or even to the larger area of the Ganaraska Watershed. While these are the immediate focus of attention, many submitters emphasized the social and ecological importance of protecting the Oak Ridges Moraine as an extensive linear greenspace serving social as well as ecological purposes (recreation, heritage, wildlife habitat, water recharge, etc.). Moreover, the expressed urgency of special protection action for the Ganaraska headwaters and the Oak Ridges Moraine is tied to concerns that the environmentally valuable qualities of these areas will soon be lost to the rapid expansion of urban and suburban centres in south-central Ontario.

Such concerns have arisen in the Ganaraska area because of the observable results of "development" in the regions closer to Metropolitan Toronto. In these municipalities, the environmental adequacy of the existing planning process has already been tested and, in the view of the Ganaraska residents who addressed the Committee, the results represent the unhappy future prospects for the Ganaraska area unless the present planning process is strengthened or supplanted by better means of identifying and respecting environmental values and constraints; anticipating and avoiding negative cumulative effects; and directing and limiting growth in ways that would maintain environmentally important resources (e.g. extensive greenspace and natural areas, wetlands, surface and groundwaters, wildlife habitat, environmentally unique and sensitive areas, etc.).

What is at issue here is not just the deficiencies in the information base or other shortcomings in how the land-use planning process is being applied in the Ganaraska headwaters and Watershed, but rather the more fundamental, generic weaknesses of the existing environmental planning and approval process itself.

The Committee has raised this general issue before. In Referral No. 33, regarding the Motel Strip Redevelopment in Etobicoke, the Committee commented that implementation of the Planning Act does not in practice give high priority to

consideration of environmental effects, and does not address cumulative impacts. In that case the Committee recommended the following:

> The Ministry of Municipal Affairs should review the planning process under the Planning Act to ensure that environmental concerns, including cumulative effects, are addressed comprehensively as part of that process, and the Ministry of the Environment should clarify when the Environmental Assessment Act should apply to official plans, official plan amendments, individual development projects, and sets of related development.

To the Committee's knowledge, neither the Ministry of the Environment nor the Ministry of Municipal Affairs has yet acted on this recommendation. At the Committee's meeting of September 13, 1989 with government agencies to discuss the existing land-use planning and approvals process, the Committee asked a representative of the Ministry of Municipal Affairs whether the Ministry was aware of the recommendation. The Committee was told that the Ministry was aware of the recommendation and found it "curious". Subsequently, the Committee wrote to the Ministry of Municipal Affairs requesting an opportunity to discuss the issues and options for responding to these issues with representatives from both the Minister and the Deputy Minister. The Ministry declined the opportunity to discuss the matter either by meeting or by letter.

In this light, and because the Ganaraska referral again raises serious concerns about the general character of the existing planning and approvals process, the Committee believes it must do what it can to clarify the nature of the current deficiencies and the need for appropriate responses. This is not a matter the Committee could examine thoroughly in the course of its deliberations on the Ganaraska referral. It is, however, clearly central to the Ganaraska case and the Committee can at least outline the problems and suggest immediate and longer term steps toward resolving them.

The basic principles are simple enough. An environmentally enlightened land-use planning process must meet four basic requirements:

- it must ensure collection of adequate baseline information on environmental resources, their importance and vulnerability;

- it must ensure that land-use plans and planning policies recognize resource preservation and environmental protection goals and needs, identify the cumulative as well as specific impacts to be avoided, and set appropriate development objectives and limitations;

- it must ensure consistent and effective adherence to the identified goals, requirements and limitations, in all decision making on plan amendments and on individual development proposals; and

- it must be sufficiently broad, or at least well-coordinated, to ensure that inter-regional environmental resources (e.g. Watersheds, extensive natural features such as the Oak Ridges Moraine, etc.) are recognized and given comprehensive and consistent protection.

The evidence presented to the Committee in this review of a single, but reasonably representative case, suggests that none of these prerequisites is now met in planning in Ontario, at least not in planning affecting the Ganaraska headwaters, the Oak Ridges Moraine, and the south-central part of the Province subject to urban/suburban expansion pressures:

- Basic environmental information, particularly concerning resources and values potentially threatened by the cumulative effects of more intense land use, is often unavailable. The existing process does not require efforts to collect such information and the prevailing nature of budgetary constraints and spending priorities for municipalities and relevant provincial agencies means that there is little practical likelihood that the information will be collected voluntarily.

- In part because of the inadequacy of the information base, environmental protection needs and appropriate limitations on development are not adequately identified and incorporated in official plans. Regional and municipal authorities responsible for land-use planning are under no effective burden to show how environmental quality will be compromised by the intensity of land use already permitted in official plans or proposed in official plan amendments and project approvals.

In theory, the preparation of official plans for guiding land use under the Planning Act , could anticipate and address the problems of cumulative environmental impacts, and other larger environmental planning concerns, at least within the individual planning regions, if a reasonably complete information base were available. But in practice this doesn't happen and the limited protection afforded by official plan designations is vulnerable to incremental erosion. Simply put, the current planning process is not capable of ensuring permanent protection for environmentally important areas.

- Procedures for amending official plans and approving individual projects do not ensure effective recognition of environmental protection needs, especially where cumulative effects may be involved. On the contrary, the current process is structurally inclined to favour incremental elimination of land use restrictions. The current process expects and permits amendments and approvals, which are almost invariably for more intensive land uses, and the proposals are evaluated and granted on a case by case basis. Comments are sought from authorities in a variety of agencies, including ones with environmental responsibilities, but the commentators focus on technical matters and specific concerns according to their agency mandates. Consideration of cumulative

effects is apparently rare and unwelcome. Individuals and groups advocating or merely seeking to retain land use restrictions that protect against cumulative environmental damages generally have fewer resources than developers applying to intensify land uses. Moreover, once a decision has been made to dedicate lands to more intensive uses, the results are virtually irreversible, while decisions to maintain limitations are always subject to change.

- Finally, there is little coordination, and consequently little consistency, in the environmental protection efforts of planning authorities even in adjacent regions with important shared resources. Except for the laudable but limited work of the conservation authorities (and that of the Niagara Escarpment Commission regarding one of Ontario's major environmental features), there are few significant efforts to address interregional environmental protection needs, and the existing planning process does not provide a mechanism for encouraging interregional cooperation on such matters.

As a consequence, the Committee heard that the only reasonably reliable means of ensuring preservation of extensive environmentally important areas is through acquisition. Others suggested, with somewhat less confidence that preservation prospects for certain specially identified features could be enhanced through creation of further bodies like the Niagara Escarpment Commission. The reality is, however, that funding for land acquisitions by the public sector for environmental protection purposes is not now, nor likely to become, nearly adequate to the task. And while it is conceivable, and perhaps desirable, that special planning commissions be created to protect a few extraordinary interregional resources, e.g. the Oak Ridges Moraine, these are not vehicles for general application. In the usual case, neither significant acquisition nor creation of a special planning commission will be feasible.

In sum, the existing land-use planning and approvals process in Ontario is inadequate to the task of maintaining social and ecological quality in the face of "development" pressures. In the Committee's view, this situation is unacceptable.

The current land-use planning and approval process needs to be reformed to correct the deficiencies in each of the four areas discussed above. This conclusion, we note, contradicts the views expressed in the recently leaked "Project X" document, "Reforming our land use and development system," which in our view reflects little or no understanding of the environmental issues raised by rapid intensification of land use, or of the principle of sustainable development. Our conclusion is, however, consistent with that of other thoughtful observers of the current planning process and

its environmental results. For example, the Interim Report of the Royal Commission on the Future of the Toronto Waterfront, headed by David Crombie, includes the following recommendation:

> The Commission recommends that the Ministry of Municipal Affairs amend the Planning Act to ensure that environmental concerns are more thoroughly identified and addressed, as part of the planning process. The Commission is of the opinion that, by giving greater weight to environmental matters in developing official plans and related amendments, as well as in considering development applications, provincial, regional, and municipal governments will have the opportunity to integrate the concept of sustainable development into the planning process (p.185).

The Committee recognizes that there are other controversies surrounding the present planning process, including those arising from pressures to speed approvals, and that there may be reason to integrate changes to strengthen environmental considerations into a larger set of planning process reforms. The Committee also recognizes that detailed and properly consultative study of the deficiencies outlined above, and of the most appropriate means of correcting these deficiencies, will be needed.

We have already identified the rough outlines of what is needed from an environmental protection perspective - see the four basic requirements for an environmentally enlightened land-use planning process set out above. There is, we suspect, no easy way of making rapid changes to meet these requirements. No doubt a package of reforms would be appropriate - including initiatives to encourage private landowners in preserving their natural areas and to foster voluntary interregional coordination for environmental stewardship, as well as revision of the planning process now established under the Planning Act. The Committee, however, is not in a position to say what ought to be contained in a complete package of reforms.

Nor can we yet judge whether revision of the current planning process would be accomplished most successfully through amendment of the Planning Act , through application of Environmental Assessment Act requirements to official plans and appropriate official plan amendments, or through introduction of new planning legislation - perhaps even a Sustainable Development Act that reflects an understanding of sustainability and incorporates environmental assessment principles along with environmental maintenance priorities into the land-use planning process. We are convinced, however, that Ontario should begin at once to examine these alternatives through an open, consultative process.

RECOMMENDATION 10: The Province should recognize that the existing land-use planning and approvals process does not provide satisfactory means of protecting the environment, especially from the negative cumulative effects of intensifying land use, and should begin immediately to prepare a package of reforms to incorporate effective commitment to environmental stewardship in land-use planning in Ontario.

To accomplish this, the Minister of the Environment and the Minister of Municipal Affairs, in consultation with other interests including regional and municipal authorities, should cooperate in determining whether the basic requirements for an environmentally enlightened land-use planning process should be met through revision of the Planning Act, application of the Environmental Assessment Act, or introduction of new legislation incorporating assessment and stewardship into planning requirements.

In particular, the ministers should act to ensure that the efforts of the Ministry of the Environment's Environmental Assessment Program Improvement Project and the Ministry of Municipal Affairs' current review of the planning process are directed and coordinated to address this issue.

In preparation for discussions on the various possible responses to this challenge, the Ministry of the Environment ought to consider just how the Environmental Assessment Act might be applied to land-use planning decisions to ensure effective attention to environmental concerns. As the Committee has noted above, the definition of "undertaking" in the Act provides a basis for arguing that public sector planning activities are already legally subject to environmental assessment requirements. Moreover, a case could be made that the environmental significance of many official plans, official plans amendments and other major planning decisions has been greater than that of many project-specific undertakings that are automatically subject to the Environmental Assessment Act. If individual environmental assessments of planning decisions is judged unnecessary, it might be possible to use a version of the class assessment approach to allow for a programmatic assessment of planning decision making, with provisions for bump-up of particularly contentious official plans and official plan amendments.

If no acceptable means is found for incorporating effective environmental assessment requirements into amended provisions of the Planning Act, pursuit of options under the Environmental Assessment Act may represent the best means of correcting the serious deficiencies of the current planning process.

RECOMMENDATION 11: The Minister of the Environment should direct the Environmental Assessment Program Improvement Project to initiate an immediate review of options under the Environmental Assessment Act for ensuring effective attention to environmental concerns in land-use planning decisions.

Inevitably, evaluation of the options and enactment of the preferred solution will take time. It will therefore be necessary to take interim steps to address the environmental deficiencies of the current planning process, especially where they affect areas, like the Ganaraska, which are facing immediate pressures for land use intensification.

There are several short and medium term steps that would encourage more careful attention to overall protection of environmental quality and avoidance of negative cumulative impacts in planning decisions. Perhaps the most effective move would be amendment of the Planning Act to establish clearly that consideration of overall environmental quality implications and cumulative environmental effects are legitimate and necessary components of deliberations on official plans, official plan amendments and related approvals. Such an amendment would not have to await the results of the more comprehensive reform initiative recommended above.

RECOMMENDATION 12: The Minister of the Environment should urge the Minister of Municipal Affairs to introduce an immediate amendment to the Planning Act to establish clearly that consideration of overall environmental quality issues and cumulative environmental effects as legitimate and necessary components of deliberations by municipal authorities, the Ministry of Municipal Affairs, the Ontario Municipal Board and the Cabinet on official plans, official plan amendments and related approvals.

Even without amendments to the Planning Act, it is possible for representatives of the Ministry of the Environment, and other agencies involved in reviewing proposed plans, plan amendments and site-specific proposals, to draw attention to broad environmental quality threats and possible cumulative impacts. Ministry reviewers apparently do not now comment on these matters, perhaps because of their lack of clear authority and responsibility to do so. There is, however, no other agency with the appropriate authority and expertise to comment appropriately on cumulative effects, and Ministry of Environment reviewers would seem to be as well equipped as any to fill the void, at least for the short term.

RECOMMENDATION 13: The Minister of the Environment should direct Ministry representatives involved in reviewing proposed official plans, plan amendments and site-specific proposals, to comment on the nature and significance of any cumulative environmental effects likely to result from an approval. In support of this initiative, the Minister should ensure that Ministry reviewers develop a clear and uniform understanding of issues pertaining to cumulative effects and appropriate comments to make when these issues arise. The Minister should also direct the reviewers to monitor responses in cases where significant concerns about potential cumulative effects are raised.

Under the current land-use planning and approvals process, municipal authorities are under no clear obligation to respond to cumulative effects concerns raised by Ministry of the Environment reviewers or other commentators. However, where significant concerns about cumulative effects are raised and not addressed, the Minister can and, we think, should seek designation of the relevant proposal as an undertaking under the Environmental Assessment Act.

RECOMMENDATION 14: The Minister of the Environment should announce the government's intention to designate under the Environmental Assessment Act any planning proposal that raises significant, unattended concerns about cumulative environmental effects.

6. LIST OF RECOMMENDATIONS

RECOMMENDATION 1: The Minister of the Environment should urge the Region of Durham to carry out studies of the following as part of its current Official Plan review:

- nature and extent of the ground water resources in the headwaters area and potential cumulative impacts of land use changes;
- nature and extent of surface water resources including all information required for the creation of a master drainage plan for the Watershed; and
- wildlife (flora and fauna) in the area and its vulnerability to the potential cumulative impacts of land use changes in the area.

RECOMMENDATION 2: The Ministry of the Environment, the Ministry of Natural Resources and other provincial ministries with relevant responsibilities, should participate in funding and provide technical assistance to the Region of Durham to carry out the studies advocated in Recommendation 1.

RECOMMENDATION 3: The Minister of the Environment should urge the Region of Durham to impose a temporary moratorium on official plan amendments that would allow more intensive land uses in the Ganaraska headwaters area until the studies set out in Recommendation 1 are complete and a comprehensive set of revisions to the guidelines, designations and other policies in the Region of Durham Official Plan review is in place.

RECOMMENDATION 4: The Minister of the Environment should direct Ministry staff who comment on proposed official plan amendments and applications for subdivision approval in the Ganaraska Watershed, to oppose all such applications for the headwaters area until the necessary environmental studies are done and the official plan revisions are complete.

RECOMMENDATION 5: The Province should declare that land use changes in the Ganaraska headwaters area are matters of "provincial interest" under Section 17(19) of the Planning Act, and that the Province will use its authority to impose a temporary moratorium on official plan amendments affecting the environment of the Ganaraska headwaters area.

RECOMMENDATION 6: If the temporary moratorium is not established effectively through adoption of Recommendations 3, 4, and 5, the Minister of the Environment should ask Cabinet to designate under the Environmental Assessment Act all proposals for land use intensification in the Ganaraska headwaters area.

RECOMMENDATION 7: In its current review of the role and mandate of conservation authorities, the Province should consider how to give the authorities a more effective role in the land-use planning process, especially in protecting against negative cumulative effects of land-use planning policies and approvals.

RECOMMENDATION 8: The Province should initiate immediately a process for developing a comprehensive approach to land-use planning and environmental protection for the Oak Ridges Moraine.

RECOMMENDATION 9: While a comprehensive approach to land-use planning and environmental protection for the Oak Ridges Moraine is being developed, the provincial government should identify and implement an effective means of ensuring interim protection of the Moraine. This could be accomplished, for example, by declaring development on the Oak Ridges Moraine a matter of provincial interest and setting up procedures for provincial review of the overall environmental effects of proposed changes to land use on the Moraine.

RECOMMENDATION 10: The Province should recognize that the existing land-use planning and approvals process does not provide satisfactory means of protecting the environment, especially from the negative cumulative effects of intensifying land use, and should begin immediately to prepare a package of reforms to incorporate effective commitment to environmental stewardship in land-use planning in Ontario.

To accomplish this, the Minister of the Environment and the Minister of Municipal Affairs, in consultation with other interests including regional and municipal authorities, should cooperate in determining whether the basic requirements for an environmentally enlightened land-use planning process should be met through revision of the Planning Act, application of the Environmental Assessment Act, or introduction of new legislation incorporating assessment and stewardship into planning requirements.

In particular, the ministers should act to ensure that the efforts of the Ministry of the Environment's Environmental Assessment Program Improvement Project and the Ministry of Municipal Affairs' current review of the planning process are directed and coordinated to address this issue.

RECOMMENDATION 11: The Minister of the Environment should direct the Environmental Assessment Program Improvement Project to initiate an immediate review of options under the Environmental Assessment Act for ensuring effective attention to environmental concerns in land-use planning decisions.

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